

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TIMOTHY LEHR,	:	
	:	CIVIL ACTION
Plaintiff,	:	
	:	NO. 09-2989
v.	:	
	:	
STRYKER CORPORATION, et al.,	:	
	:	
Defendants.	:	

**ORDER**

**AND NOW**, this 3<sup>rd</sup> day of August 2010, upon consideration of Defendants Stryker Corporation, Stryker Instruments, and Stryker Sales Corporation's Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(3) and (6), or, in the Alternative, to Transfer Venue to the United States District Court for the Middle District of Pennsylvania (Doc. No. 18), Plaintiff's Response in Opposition to the Motion (Doc. No. 24), Defendants' Reply in Support of the Motion (Doc. No. 25), argument made at the hearing held on May 26, 2010, and after a complete and independent review of Plaintiff's Amended Complaint (Doc. No. 13) and Second Amended Complaint (Doc. No. 31), and for the reasons set forth in the Court's August 3, 2010 Opinion, it is **ORDERED** that Defendants' Motion to Dismiss (Doc. No. 18) is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. Defendants' Motion to Transfer is **GRANTED**.
2. Defendants' Motion to Dismiss is **DENIED**.
3. The case shall be **TRANSFERRED** to the United States District Court for the Middle District of Pennsylvania and the Clerk of Court is **ORDERED** to make the transfer.

4. Defendants' Motion to Dismiss is denied without prejudice. The Motion to Dismiss should be timely refiled in the United States District Court for the Middle District of Pennsylvania in accordance with the rules of that court.

BY THE COURT:

/s/ Joel H. Slomsky, J.  
JOEL H. SLOMSKY, J.